



TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application No.	10/678,573
		Filing Date	October 3, 2003
		First Named Inventor	Woo Jin Lee
		Art Unit	
		Examiner Name	
Total Number of Pages in This Submission	10	Attorney Docket Number	5882P050

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">4 Declarations; Return Postcard</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Eric S. Hyman, Reg. No. 30,139 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	August 30, 2005

CERTIFICATE OF MAILING/TRANSMISSION			
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Typed or printed name	Kenneth Schmidt		
Signature		Date	August 30, 2005

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wlr) 06/04/2004.
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FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

Complete if Known

Application Number	10/678,573
Filing Date	October 3, 2003
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Art Unit	
Attorney Docket No.	5882P050

☒ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayment of fee(s) ☐ Credit any overpayments
under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

FEE CALCULATION

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	

Other fee (specify) _____

SUBTOTAL (2) (\$)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Eric S. Hyman	Registration No. (Attorney/Agent)	30,139	Telephone	(310) 207-3800
Signature		Date	08/30/05		



IPW

Our Ref. No.: 005882.P050

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:)
Woo Jin Lee et al.,) Examiner: Jennifer Doan
Serial No. 10/678,573) Art Unit: 2874
Filed: October 3, 2003)
For: **METHOD FOR MANUFACTURING**)
OPTICAL WAVEGUIDE USING)
LASER DIRECT WRITING METHOD)
AND OPTICAL WAVEGUIDE)

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RESPONSE TO OFFICE ACTION

This is in response to the outstanding Office Action mailed July 13, 2005.

In the Action, claims 1-4, 6 and 8 are rejected under 35 U.S.C. §102(e) as being anticipated by Lee et al. (document published at the Photonics Conference 2002 which was held October 30 – November 1, 2002). In this connection, it is noted that 35 U.S.C. §102(e) requires that the invention be described in “(1) an application for patent, published under Section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent” Since the cited prior art is not an application for patent or patent, applicant submits that the reference does not qualify as prior art under 35 U.S.C. §102(e). Although 35 U.S.C. §102(a) could possibly apply since the document is a printed publication in a foreign country, Applicant notes that the reference does not qualify as prior art under 35 U.S.C. §102(a) either because it was not “before the invention thereof by the applicant for patent.” In this connection, submitted herewith are Declarations under 37 C.F.R. §132 by

each of the named inventors declaring that they are the same persons who are the authors of the cited reference. Therefore, the invention described in the cited reference is not the invention by another and, therefore, does not qualify as prior art under 35 U.S.C. §102(a). In view of the foregoing, reconsideration and withdrawal of the rejection of claims 1-4, 6 and 8 is requested after which Applicants submit the claims pending for examination, namely claims 1-10 are in condition for allowance, which early action is requested.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: August 30, 2005


Eric S. Hyman, Reg. No. 30,139

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Kenneth Schmidt

August 30, 2005